

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 34 OF 2006

Mohammed Aslam Abdul Ahad Ansari

....Petitioner

Versus

The Union of India and Anr.

.... Respondents.

Mr. G.H. Shukla, instructed by G.H.Shukla & Co., for the petitioner.

Mr. S.S. Pakale for respondent No.1.

Mr. R.M. Sawant, Government Pleader, for respondent No.2.

**CORAM: KSHITIJ R. VYAS, C.J. &
S.C. DHARMADHIKARI, J.**

DATE: FEBRUARY 27, 2006.

P.C.

Heard the learned counsel for the parties.

2. The petitioner, in this petition, has prayed to issue appropriate directions to respondent No.1 to rectify the mistake committed by the petitioner in mentioning of his birth date as 12th December, 1961, instead of correct birth date as 18th March, 1962, in the passport issued by respondent No.1 to the petitioner.

3. The petitioner has also prayed for a direction to the respondents to issue either rectified passport or new passport with the correct birth date of the petitioner i.e. 18th March, 1962.

4. From the facts stated in the petition, it appears that the petitioner was born at Varanasi (U.P.) on 18th March, 1962. Respondent No.1 has issued passport bearing no. X 379206 with the incorrect date of birth i.e. 12th December, 1961. It further appears that on 15th December, 1992, the petitioner obtained passport bearing No. M 894403. On the expiry of the date of passport, the petitioner obtained passport bearing No. V 947191 on 16th August, 1995. From the aforesaid, it appears that the incorrect date of birth has been mentioned from day one of the issuance of the passport to the petitioner which continued. It is the case of the petitioner that on 4th September, 2004, he obtained the birth certificate and thereafter on 25th August, 2005, he applied for the change of the name from Mohamed Aslam Abdul Ahad to Mohamed Aslam Abdul Ahad Ansari. It is only on 1st September, 2005, the petitioner applied for the change of the date of birth in the gazette. It is the case of the petitioner that even though he has applied for the aforesaid change in the passport, the respondents have not acceded the request of the petitioner.

5. Considering the dispute involved in the matter, we are of the view that the respondents are required to consider the request of the

petitioner in its proper perspective. The forum chosen by the petitioner under Article 226 is not the forum as so many disputes are involved in the petition. In view of this, we direct the respondents to entertain the application to be filed by the petitioner within two weeks and decide in accordance with law.

6. With these directions, the petition stands disposed of.

CHIEF JUSTICE

S.C. DHARMADHIKARI, J.